(Ireland.)

A

# B I L L

To provide for the defining and marking out the Boundaries of the several Baronies, Townlands, and Parishes in *Ireland*.

WHEREAS an Act was made in the last Session of Parliament intituled, "An Act to amend so much of an Act of "the Forty-ninth year of his late Majesty as relates to the forming "Tables of Manors, Parishes, Townlands and other Sub-denominations "of Land in *Ireland*, for the purpose of providing for the future "Survey and Valuation of that part of the United Kingdom, and for "settling the Bouodaries of Counties, Cities and Towns in certain "Cases:" Preamble 5 G.IV. c.112.

And whereas by the said recited Act the several Grand Juries throughout *Ireland*, were directed and required at the Assizes next ensuing the passing of the said Act, to form certain Tables of the Names of the several Parishes, Manors, Townlands or other Sub-denominations of Land in manner and under the Regulations in the said Act contained; but the Assizes next ensuing the passing of the said Act took place so early, that the directions of the said Act could not be complied with; and it is expedient to provide for the forming of such Tables at future Assizes, and also to make more effectual Regulations for the purpose of ascertaining defining and marking out the Boundaries of Baronies, Townlands, Parishes or other Divisions or Denominations, or Sub-denominations of Land by what name soever such Divisions Denominations or Sub-denominations may be known; § 1. Requiring Grand Juries to form Tables of the Names of Parishes and Subdivisions of Baronies, at the then next ensuing Assizes, prevented by the early recurrence of such Assizes. Further Regulations required.

BE it therefore Enacted by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority Recited Act repealed.



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authority of the same, THAT from and after the said recited Act of the last Sessions of Parliament shall be and the same is hereby Repealed.

Tables of the names of Parishes, &c. shall be formed by Grand Juries at either of the two Assizes, &c. after the passing of this Act.

And be it further Enacted, That either at the summer assizes in the year one thousand eight hundred and twenty-five, or at the spring assizes, in the year one thousand eight hundred and twenty-six, in the several counties, counties of cities and counties of towns, in *Ireland*, or at either of the two presenting terms in and for the City of *Dublin* next after the passing of this Act, the several Grand Juries throughout *Ireland* shall and they are hereby directed and required to form a Table or Tables of the names of the several Parishes, Manors, Townlands, Ploughlands, or other Divisions or Sub-denominations or Divisions of Land within every barony and half barony within such county, or county of a city or town, in which the several high constables or collectors of the county cess or Grand Jury rates, shall have levied such cess or rate, or any part or proportion thereof, by what name soever such sub-denominations of land may be known, and the contents of such parish, manor, townland or other subdivision; and the treasurer of each county, county of a city or county of a town, shall cause public notice to be given thereof throughout every barony or half barony, by ordering the high constable or other collector, or the sub-constable, to post a copy of such Table or Tables on the door of every church, chapel, place of worship, court house and market house within such barony or half barony, at the least, previous to the then next ensuing assizes, requiring all persons, who may think themselves aggrieved by any such Table, to appear before the Grand Jury at such then next ensuing assizes; and such Grand Jury, at such last mentioned assizes, shall proceed to examine such persons as shall so appear upon oath, which oath the foreman of every such Grand Jury is hereby empowered to administer respecting any such Table, and any objections thereto; and such Grand Jury shall, at such last mentioned assizes, proceed to amend any such Table as they shall think fit, or to confirm any such Table as originally formed, and to direct every such Table so amended and confirmed, to be placed and kept among the records of the county, county of a city, or county of a town, as the case may be.

Copies of the Tables shall be posted in each Barony.

Persons aggrieved may Appeal to Grand Juries of subsequent Assizes.

High Constables shall return names of Parishes, &c. to Grand Jury, with the number of Acres and proportion of Assessment

And be it further Enacted, That for the purpose of enabling the several Grand Juries to comply with the foregoing provisions in this Act, the several high constables or other collectors shall, either at the summer assizes, in the year one thousand eight hundred and twenty-five, or at the spring assizes, in the year one thousand eight hundred and twenty-six, or at either of the two presentiog terms for the City of *Dublin* next after the passing of this Act, make a return to their respective Grand Juries of the names of the several parishes, townlands, manors, ploughlands or other sub-divisions or sub-denominations in which the said high constables or collectors have collected and levied the county cess or Grand Jury rate, together with the number of acres at which such several sub-denominations have been rated or assessed, and the proportion

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portion in which every such parish, townland or other denomination shall have been assessed and contributed; or where such cess or rate has not been rated by the acre, then and in any such case, such high constable or other collector shall make a return in writing of the mode and manner and of the proportion in which such cess or rate shall have been assessed and levied; and in case any such high constable or other collector shall neglect or omit to make such return as aforesaid, if required so to do, it shall not be lawful to and for the Grand Jury for which such high constable or other collector shall act, to make any presentment for fee of salary for such high constable or other collector at such assizes or presenting term.

These Clauses shall be given in charge to Grand Jury.

And be it further Enacted, That the two preceding clauses of this Act shall be given in charge to the several Grand Juries throughout *Ireland* by the Judges at the two said assizes and presenting terms, and that in cases where any Tables required by this Act shall not have been formed at the first of such assizes or presenting terms, the same shall be formed at the second of such assizes or presenting terms respectively.

Grand Juries at any enſuing Aſſizes may make Preſentments for High Conſtables not having complied with directions of Act of laſt Seſſion.

AND whereas by the said recited Act of the last Session of Parliament, it is enacted, That in case any collector or high constable should neglect making such return as in and by the said Act is required, it shall not be lawful to and for the Grand Jury to make any presentments for fee or salary of such high constable or other collector at the assizes next after the passing the said Act: AND whereas it was not in the power of such collectors or high constables to make such return at such assizes, owing to the time at which such assizes were held; BE it Enacted, That in all cases where presentment was not made at such assizes for fee or salary of any such high constable or other collector, in consequence of the said provision of the said recited Act, it shall be lawful for the Grand Jury of any county, county of a city or county of a town, to make a presentment for the arrears of fee or salary to any such high constable or other collector at any assizes after any thing in the said recited Act to the contrary notwithstanding.

Lord Lieutenant may appoint Surveyors to aſcertain the Boundaries of Baronies, Townlands, Pariſhes, &c.

And be it further Enacted, That from and after it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* at any time or times and from time to time as to him or them shall or may seem fitting and expedient, to nominate and appoint any person or persons, and such and so many persons as such Lord Lieutenant or other Chief Governor or Governors shall think necessary and expedient, to survey, ascertain, define and mark out the boundaries of all and every or any barony, half barony, townland, parish, manor or other division or denomination, or sub-division or sub-denomination, of land, by what name soever any such division or denomination, or sub-division or sub-denomination, shall or may be known or called in any and every part of *Ireland*, and to



appoint

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appoiot any and every such person or persons to he surveyors or a surveyor for the carrying into effect the purposes of this Act.

Oath of Surveyor.

And be it further Enacted, That no persoo shall be capable of acting as a surveyor for tbe purposes of this Act, until he shall have taken and subscribed an oath in the words or to the effect following; (that is to say)

" I, *A. B.* do swear, That I will faithfully impartially and " honestly, according to the best of my information skill and " ability, execute and perform the powers and authorities " reposed in me as a Surveyor for tbe execution of tbe purposes " of an Act passed in the sixth year of the reign of King GEORGE " the Fourth, intituled [*set forth the title of this Act*] " according to the directions of the said Act, and according to " justice, and without favour or affection or prejudice or " malice, to any person or persons whomsoever.

" So help me GOD."

Penalty for acting without taking Oath

Which oath it shall be lawful for any Justice of the peace of any county in which the barony, townland, parish, division, or sub-division of land shall be situate, in and for which such surveyor sball be directed or authorized to act to administer; and every such oath so taken and subscribed, shall be lodged by sucb surveyor witb the clerk of the peace for such county, to be by bim preserved among the records of the sessions of the peace for such county; and if any person shall presume to act as such surveyor without haviog taken and subscribed tbe oath aforesaid, every sucb person shall for every such offence forfeit and pay the sum of to any person or persons wbo shall sue for tbe same, to be recovered by action of debt or on the case, in any of His Majesty's courts of record in Dublin.

Surveyor and his Assistants, &c. empowered to enter Lands to fix Boundaries.

And be it further Enacted, That for the execution of the purposes of tbis Act, it shall and may be lawful for any surveyor appointed under tbis Act, and for any assistant, workman or other person acting in aid and under the orders of sucb surveyor, and for all persons acting under or employed by any such surveyor, and they are hereby respectively authorized and empowered from time to time to enter into and upon any land or ground of any person or persons whomsoever, for the purpose of making and carrying on any survey under this Act, and for the purpose of fixing any post stone or boundary mark wbatsoever, and to fix and place any such post stone or boundary mark whatsoever in the land or ground, or upon any tree or post in the land or ground of any person or persoos whomsoever, aod to dig up any ground for the purpose of fixing any such post stone or boundary mark, and also to enter upon any lands or grounds through which any such surveyor shall deem it necessary and proper to carry any boundary line for the purposes of this Act at any time or times whatever, until the ascertaining

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taining defining and marking out of any boundary line shall be completed according to the directions of this Act: Provided always, that such surveyor and his assistants and workmen shall do as little damage as may be in the execution of the several powers to them granted by this Act, and shall make satisfactioo to the owners of and other persons interested in such lands aod grounds or trees, whicb shall be any way hurt damnified or prejudiced, for all damages to be by them sustained in or by the execution of all or any powers of this Act in case the same shall be demanded; and this Act shall be sufficient to indemnify such surveyor and every assistant workman or other person acting in aid of and under the orders of such surveyor, and all other persons whomsoever, for what they, or any of them, shall do in respect thereof by virtue of the powers by this Act graoted to them respectively.

High Constable of each Barony shall deliver to Surveyor, List of all Townlands, &c. and Collectors of Cess for the same within the Barony.

And be it further Euacted, That the high constable of any and every barony or half barony in *Ireland* shall, within days after he shall be thereunto required by any surveyor, appointed for the execution of this Act, in any such barony or half barony, prepare and deliver to such surveyor a List, containing the names and descriptions of the several townlands parishes or other divisions of land assessed to the payment of any portion of the county cess charges and Grand Jury rates, payable within such barony or half barony, together with the names and residences of all the several collectors of county cess charges and Grand Jury rates in and for any aod every such townland parish or other divisiou of land within such barony or half barony; and if any high constable of any barony or half barony shall refuse or neglect or omit to make or deliver such List, in compliance with the request of such surveyor, every such high constable so offending shall forfeit the sum of pounds.

Collectors shall attend Surveyors on days notice for defining the Boundaries of Parishes, &c.

And be it further Enacted, That for the purpose of defining and marking out the Boundaries of any such barony or half barony, and the Boundaries of the several townlands parishes or other divisions within any such barony or half barony, it shall be lawful for any such surveyor, appointed for the execution of this Act within such barony or half barony, and such surveyor is hereby authorized and empowered, by notice in writiug signed with his name, and directed and delivered to any such collector of county cess charges and Grand Jury rates, to require the attendance of any and every such collector in or for aoy and every such townland parish or other division, or in or for any townland parish or division adjoining any other townland parish or division, at such time (not being less than days after the date of such ootice), and at such place as shall be specified in such notice; at which time and place every such collector shall and he is hereby required to attend upon such surveyor accordingly, and to aid and assist such surveyor in the execution of this Act; and in case it shall happen that there shall not be any collector of such county cess or Graod Jury rates for any such townland parish or other division, or adjoining townland parish or division, or in case any such collector shall omit or neglect to attend at the

On failure of Collectors, Surveyors may require two Inhabitants to attend.



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the time and place mentioned in any such notice, then and in such case it shall be lawful for any such surveyor, by like notice, to require any or more inhabitants of any such townland parish or other division to attend in the place and stead of such collector; and every such inhabitant, to whom any such notice shall be directed and delivered, shall and he and they is and are hereby required to atteud upon such surveyor accordingly, and to assist such surveyor in the execution of the purposes of this Act.

Surveyor shall ascertain the Boundaries of the Townlands and mark out the same by Posts, &c.

And be it further Enacted, That it shall be lawful for any such surveyor, at the time mentioned in any such notice, accompanied by the collector of the county cess or Grand Jury rate for the townland parish or other district or division, the Boundaries of which are to be defined and marked out, and by the collector of any and every townlaod parish or other divisioo adjoining thereto, or by such inhabitaots as aforesaid, and such surveyor collectors and other persons is and are bereby authorized and required to perambulate the Boundaries of sucb townland parisb or division, for the purpose of ascertaining and defining the same according to the best of their power and information, and for that purpose it shall be lawful for sucb surveyors collectors and other persons to call on any inhabitant or inhabitants of any such townlands parishes or any other divisions, to assist them in so doing; and when it shall appear to sucb surveyor that the Boundaries of any such townland parish or other division are sufficiently ascertained, such Boundaries shall be defined and marked and set out by such surveyor, in such substantial and durable manner as be sball think fit, by the putting down of any posts or blocks of wood or stone, or by the affixing of any marks of iron or other metal on or against any house tree or post, and with such distioguishing letters or figures as such surveyor shall think fit and proper for the occasion; and after such Boundaries shall be so defined, ascertained, set out, determined, fixed and marked as aforesaid, the same shall be aod be deemed and are bareby declared aod enacted to be the Boundaries of such townlands parisbes or other divisions respectively.

Penalty on removing or defacing Boundaries, Stones, &c.

And be it furtber Enacted, Tbat if any person shall take away remove or displace or alter the situation of any bouodary stone post or mark which shall be set up and placed for tbe purposes of this Act, or shall wilfully deface, mutilate, break or destroy any such boundary stone post or mark, every person so offending and being thereof convicted in manner hereinafter mentioned, shall forfeit aod pay a sum not exceeding and not less than in the discretion of the Justice before wbom such offender shall be convicted.

Penalty on obstructing Survey, &c.

And be it further Enacted, Tbat if any person or persons shall wilfully obstruct or hinder any surveyor in the execution of his duty in or about the ascertaining defining and marking out of the Boundaries of any townland parish or division uoder the provisioos of this Act, or shall assault any such surveyor, or shall any way resist such surveyor in the

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the performance of his duty under this Act, or shall obstruct, hinder, assault or resist any collector or any workman or other persoo acting in aid of any such surveyor in the executioo of this Act, every person so offending and being thereof convicted in manner hereinafter meotioned, shall forfeit and pay a sum not exceeding and not less than in the discretion of the Justice before whom such offender shall be convicted.

Appealagainft Boundaries may be made to Quarter Seffions.

Provided always, and be it further Enacted, That if any person or persons interested in any such Boundaries shall be dissatisfied with or shall have any objection to any Boundary Lioe, or any part thereof, as defined and ascertained by any surveyor under the provisions of this Act, it shall and may be lawful for such person or persons to appeal to the Justices of the peace at the next general or quarter sessions of the peace to be holden for the county or place in which such Boundary Line, or any part thereof so objected to shall be situate, and every person so appealing shall (if there shall be sufficient time after the cause of complaint shall have arisen) first give or cause to be given notice at least in writing of his or her intention of bringing such appeal, and of the matters thereof to the clerk of the peace of such county, and within days next after the date of such notice shall enter into a recognizance before some Justice of the peace of such county, with two sufficient sureties, conditioned to bring such appeal to a hearing, and to abide by or to submit to the order thereoo, and to pay such costs as shall be awarded by the Justices at such quarter sessions, or any adjournment thereof; and for want of sufficient time for giving such notice previous to the quarter sessions next after the cause of any such complaint shall have happened, then such appeal after such notice and under such recognizance, may be made at the second general or quarter sessions of the peace to be holden for such county or place, and the clerk of the peace shall give notice of such appeal to the churchwardens or churchwarden of the parish or parishes within which such Boundary Line, or such part thereof as shall be objected to shall be situate, and such churchwardens or churchwarden shall post copies of such notice, or shall cause the same to be posted and affixed on the most public doors of the churches and other places of public worship within such parish or parishes, and at such other places as are appoioted by law for the posting of notices in such parishes, on the two successive Sundays next after the receipt of such notice by such churchwardens or churchwarden, and the Justices at such first or second sessions, or any adjournment thereof, upon due proof of such notice having beeo given as aforesaid, and of the entering into such recognizance, shall hear aod finally determine the cause and matter of such appeal io a summary way, and shall award such costs to the party appealing or appealed against as they the said Justices shall think proper, and the determioation of such Justices in session shall be binding final and conclusive on all parties to all intents and purposes; and the Boundary Line, or any part thereof, shall and may be altered in such manner pursuaot to



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the directions of such Justices as the case may require, and such Boundary Line so altered shall then and in such case be and become and is hereby enacted and declared to be and remain the Boundary of any and every townland parish or division to which the same shall relate; and it shall be lawful for such Justices at such sessions by their order or warrant, to levy such costs so awarded, by distress and sale of the goods and chattels of the person or persons who shall refuse or neglect to pay the same; and for want of sufficient distress to commit such person or persons to the common gaol or house of correction for such county, there to remain for any time not exceeding calendar months, or until payment of such costs.

Allowance to Collector, &c. attending Surveyor.

And be it further Enacted, That every collector workman and other person who shall attend and accompany any surveyor in the ascertaining defining and marking out the Boundary of any townland, parish or division under the provisions of this Act, shall receive and shall be entitled to receive for his trouble and loss of time any sum of money or allowance not exceeding the rate of for every day during which he shall be employed by or engaged with such surveyor in the execution of this Act, upon a certificate to be signed by such surveyor that such collector or other person was so employed for the number of days to be stated in such certificate, and that such collector or other person diligently conducted himself in the execution of this Act, in a manner satisfactory to such surveyor.

Lord Lieutenant may order advance of Money for carrying the Act into execution;

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from time to time to order and direct that any such sum or sums of money as he or they shall think proper, shall be advanced from time to time to any surveyor to be appointed under this Act, out of [

] for the purpose of defraying any expenses to be incurred in the carrying this Act into execution in any and every barony or half barony in *Ireland*, not exceeding the sum of with relation to any one barony or half barony; and all sums shall be advanced to such surveyor, and an account of the application of all such sums in the payment of expenses incurred in the execution of this Act, shall be transmitted to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or to his or their chief secretary, and shall be examined audited and allowed at such times and in such manner and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant or other Chief Governor or Governors, and as shall be signified in the usual manner by his or their chief secretary, or in his absence, by the under secretary.

to be accounted for audited and allowed as directed by Lord Lieutenant.

Penalty on Collector, &c. not attending, or not pointing out Boundaries

And be it further Enacted, That if any collector or other person who shall be summoned or required by any surveyor appointed under this Act to attend such surveyor in the execution of this Act, shall refuse or

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shall neglect or omit to attend such surveyor, or shall refuse or neglect or omit to inform and point out to such surveyor the true Boundaries of any townland parish or other division, or shall wilfully make any false statement or mis-statement with respect to any such Boundaries, or shall wilfully refuse or neglect or omit to give any information in the power of such collector or other person with respect to any such Boundaries, every such collector or other person so offending, and being thereof convicted in manner hereinafter mentioned, shall forfeit and pay a sum not exceeding and not less than in the discretion of the Justice before whom such offender shall be convicted.

Recovery of Penalties before one Justice of the Peace.

And be it further Enacted, That all penalties and forfeitures inflicted or imposed by this Act shall and may be recovered in a summary way, by the order and adjudication of any one Justice of the peace for the county or place in which such penalty shall be incurred, on complaint to him for that purpose exhibited, and shall afterwards be levied, as well as the costs of such proceedings, in case of nonpayment, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hand and seal of such Justice, and such Justice is hereby authorized and required to summon before him any witness or witnesses, and to examine such witness or witnesses upon oath (or affirmation) of and concerning all offences penalties and forfeitures under this Act, and to hear and determine the same, and the overplus (if any) of the money so levied or recovered, after discharging the fine penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned upon demand, to the owner or owners of the goods or chattels so seized or distrained, and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justice to order the offender or offenders so convicted to be detained and kept in safe custody, until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such Justice, for his or their appearance before such Justice, on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than days from the time of taking any such security, and which security the said Justice is hereby empowered to take by way of recognizance otherwise; but if upon return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the peace for such county or place as aforesaid, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the gaol of such county or place, there to remain without bail or mainprize for any term not exceeding unless such penalties or forfeitures respectively, and all reasonable charges, shall be sooner paid and satisfied; and one moiety of such penalties and forfeitures when so levied, shall be paid to

Application; half to Informer and half to the Poor



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to the person who shall sue or prosecute for the same, and the other moiety shall be paid and applied to the use of the poor of the parish in which such offence shall be committed, in such manner as such Justice shall direct and appoint.

Form of Conviction.

And be it further Enacted, That for the more easy and speedy conviction of offenders, every Justice of the peace before whom any person or persons shall be convicted of any offence, shall and may cause the conviction to be drawn up in the following form of words [*as the case shall happen*] or in any other form of words to the same effect; (that is to say)

(to wit.) } " BE it Remembered, That on the
" day of in the year
" of our Lord *A. B.*
" is convicted before me, one of His Majesty's Justices of the
" peace of the said county [*or*, city or town, *as the case may be*] by virtue of an Act passed in the sixth year of the reign
" of King GEORGE the Fourth, intituled [*here set forth the title of this Act, and specify the offence, and when and where committed*]. Given under my hand and seal, the day and
" year above written."

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6 Geo. IV.—Sess. 1825.

(Ireland.)

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# B I L L

To provide for the defining and marking out the Boundaries of the several Baronies, Townlands, and Parishes in *Ireland*.

*Ordered*, by The House of Commons, *to be Printed*, 28 *March* 1825.

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